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ABSTRACT

This report to accompany House Resolution 470 expresses the sense of Congress that the Department of Education should play a more active role in the monitoring of and enforcing compliance with the Higher Education Act of 1965 related to campus crime. The report makes reference to the Campus Crime and Security Awareness Act, enacted as part of the Student Right-To-Know and Campus Security Act, a law requiring any institutional recipient of Title IV student aid to report to students, faculty, and prospective students on the number of crimes in the categories of murder, sex offenses, robbery, aggravated assault, burglary, and motor vehicle theft as well as arrests for liquor-law violations, drug-abuse violations, and weapons possessions. House Resolution 470 supports improving and ensuring compliance with the Campus Security Act in order to protect students from crime on college campuses. An estimate of the costs of implementing this legislation has been received by the appropriate House committee. (CK)

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104TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
104–776

ED 399 917

MONITORING OF STUDENT RIGHT TO KNOW AND CAMPUS SECURITY ACT OF 1990

SEPTEMBER 5, 1996.—Rewferred to the House Calendar and ordered to be printed

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Mr. GOODLING , from the Committee on Economic and Educational Opportunities, submitted the following

REPORT

[To accompany H. Res. 470]

[Including cost estimate of the Congressional Budget Office]

The Committee on Economic and Educational Opportunities, to whom was referred the resolution (H. Res. 470) expressing the sense of the Congress that the Department of Education should play a more active role in the monitoring and enforcing compliance with the provisions of the Higher Education Act of 1965 related to campus crime, having considered the same, report favorably thereon without amendment and recommend that the resolution be agreed to.

PURPOSE

The purpose of House Resolution 470 is to express the sense of the Congress that the Department of Education should play a more active role in monitoring and enforcing compliance with the requirements of the Higher Education Act of 1965 related to campus crime.

LEGISLATIVE ACTION

House Resolution 470 was introduced on June 27, 1996 by Mr. Goodling and Mr. McKeon. On August 1, 1996, the Committee on Economic and Educational Opportunities assembled to consider House Resolution 470. The Committee adopted the bill by a voice vote.

BACKGROUND AND NEED FOR LEGISLATION/COMMITTEE VIEWS

During the 101st Congress, Mr. Goodling introduced the "Campus Crime and Security Awareness Act." It was enacted as part of

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the Student Right-to-Know and Campus Security Act. The law requires any recipient of Title IV student aid to report to students, faculty, and prospective students (upon request) once a year on the number of crimes reported in the following categories: murder; sex offenses, forcible or nonforcible; robbery; aggravated assault; burglary and motor vehicle theft. These statistics must be made available for the current year and the two previous years. Schools are also required to report on the number of arrests for the following crimes: liquor-law violations; drug-abuse violations; and weapons possessions. In addition, in order to aid in the prevention of crimes on campus, schools were to make timely reports to the campus community on those crimes considered to be a threat to other students and employees.

During consideration of the Higher Education Act the following year, Congress amended the law to require a statement of policy regarding the institution's campus sexual assault programs to prevent sex offenses and the procedures to follow when such an offense occurs. In addition, the so-called "Buckley" Act (part of the Family Educational Rights and Privacy Act) was amended to allow the release of law enforcement records kept for law enforcement purposes.

During a hearing held on June 6, 1996 by the Subcommittee on Postsecondary Education, Training and Life-Long Learning, some concerns were raised that colleges and universities were not accurately reporting their crime statistics. In addition, several witnesses did not believe that the Department of Education considered the enforcement of the Campus Security Act a priority. In fact, the Department has failed to provide a report to Congress with respect to crime statistics which was due on September 1, 1995.

Concerns have also been raised with respect to the definition of education records which are protected under the Family Educational Rights and Privacy Act (FERPA). Many individuals believe that records of institutional disciplinary actions taken against students accused of criminal and other non-academic misconduct should not be considered education records under FERPA and should be available to the public.

In a recent letter, Secretary Riley has indicated that the Department is looking at ways to ensure that auditors and Department program review staff are provided detailed instructions on checking compliance with the Campus Security Act. The Committee intends to keep a close watch on these measures and appreciates Secretary Riley's efforts to address the concerns raised at the Subcommittee hearing.

House Resolution 470 puts the Committee's support on the record for the actions Secretary Riley intends to take with respect to improving and ensuring compliance with the Campus Security Act. It will also make it clear that the Committee views this issue as a top priority and will expect the Department of Education to follow through on its commitments to fully implement the Campus Security Act as Congress intended. It is imperative that colleges and universities comply with the requirements of the Campus Security Act and that the Department of Education give priority status to their enforcement responsibilities. These are essential ac-

tions if we are going to accomplish our goal of protecting students from crime on our nation's college campuses.

SUMMARY

House Resolution 470 calls on the Department of Education to make the monitoring of compliance and enforcement of the Campus Security Act a priority in order for students to have information vital for their own safety on our college campuses.

SECTION-BY-SECTION

The Resolution states: "That in order for students to have information vital for their own safety on our Nation's college campuses, it is the sense of the Congress that the Department of Education should make the monitoring of compliance and enforcement of the provisions of section 485(f) of the Higher Education Act of 1965 with respect to compiling and disseminating required crime statistics and campus policies a priority."

OVERSIGHT FINDINGS OF THE COMMITTEE

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(l)(4) of Rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment into law of H.Res. 470 will have no significant inflationary impact on prices and costs in the operation of the national economy. It is the judgment of the Committee that the inflationary impact of this legislation as a component of the federal budget is negligible.

GOVERNMENT REFORM AND OVERSIGHT

With respect to the requirement of clause 2(l)(3)(D) of Rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations form the Committee on Government Reform and Oversight on the subject of H.Res. 470.

COMMITTEE ESTIMATE

Clause 7 of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.Res. 470. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

APPLICATION OF LAW TO LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. This bill ex-

presses the sense of the Congress that the Department of Education should play a more active role in monitoring and enforcing compliance with the requirements of the Higher Education Act of 1965 related to campus crime and as such relates to the legislative branch.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget & Impoundment Control Act requires a statement of whether the provisions of the reported bill include unfunded mandates; the bill expresses the sense of the Congress that the Department of Education should play a more active role in monitoring and enforcing compliance with the requirements of the Higher Education Act of 1965 related to campus crime and as such does not contain any unfunded mandates. The Committee also received a letter regarding unfunded mandates from the Director of the Congressional Budget Office. See infra.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET

OFFICE COST ESTIMATE

With respect to the requirement of clause 2(l)(3)(B) of rule XI of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause 2(l)(3)(C) of rule XI of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.Res. 470 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 23, 1996.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Economic and Educational Opportunities, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) has reviewed H.Res. 470, a bill expressing the sense of Congress that the Department of Education should play a more active role in monitoring and enforcing compliance with the provisions of the Higher Education Act of 1965 related to campus crime. This bill was ordered reported by the Committee on Economic and Educational Opportunities on August 1, 1996.

This resolution expresses a sense of Congress and does not affect any federal, state, local, or tribal law. Passage of H.Res. 470 would not affect the federal budget, and thus, pay-as-you-go procedures would not apply.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Kalcevic, who can be reached at 226–2820.

Sincerely,

JUNE E. O'NEILL, *Director.*

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